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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,204	12/08/2004	Bernd Hansen	47800	5703
1609 7590 01/05/2007 ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036			EXAMINER DAVIS, ROBERT B	
			ART UNIT	PAPER NUMBER
			1722	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/517,204

**Applicant(s)**

HANSEN, BERND

**Examiner**

Robert B. Davis

**Art Unit**

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 10 is/are rejected.
- 7) ☒ Claim(s) 6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 12/8/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On lines 14 and 15, the reference to claim 1 must be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 63-297024 (see figures 1-6 and partial translation).

The Japanese reference teaches a blow molding device for forming filled and sealed plastic containers comprising: an extrusion head for extruding a parison (4) which is cut at a parison feeding station (1<sup>st</sup>-figure 1), a blow molding station (2<sup>nd</sup> and 3<sup>rd</sup>-figure 1), a container charging station (4<sup>th</sup> and 5<sup>th</sup>), a sealing station (7<sup>th</sup>-figure 1) and a discharge station (8<sup>th</sup>-figure 1). The molds (7) are contained on a carousel (5) that rotates about a vertical axis (figure 2), such that the molds are horizontally rotated from one station to the next. The reference states that charging and sealing can be performed in the same station (end of first full paragraph on page 2 of the translation). The molds are opened and closed by dedicated toggle mechanisms (9) that rotate along with the molds from station to station.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference (63-297024A) taken together with Katou et al (5,962,039: figures 5-14; column 2, lines 22-59; column 3, lines 6-43; column 4, line 61 to column 5, line 8 and column 8, lines 6-58).

The Japanese reference discloses all claimed features except for the molding, filling and sealing operations being performed under sterile conditions. The reference also fails to disclose four stations.

Katou et al disclose an apparatus for blowing, filling and sealing a blow molded container under sterile conditions using electric servomotor driving means for opening and closing the blow molds. Katou discloses the use of an electric motor using a stepping motor can be used to clamp the molds, see column 6, lines 11-17

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of the Japanese reference by supplying sterile air at the molding, filling and sealing stations for the purpose of avoiding multiple sterilization steps and each stage of the filling and sealing stations. It would have been further obvious to limit the carousel of the Japanese to four molding stations to limit the initial capital cost in regards to the mold equipment. Please note that the Japanese reference

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states that the filling and sealing stations can be combined. It would have been further obvious to use an electric stepping motor as disclosed by Katou et al for the purpose of clamping the molds without exposing the molding environment to hydraulic clamping fluid to avoid tainting of the molded articles.

***Allowable Subject Matter***

6. Claims 6, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 6, none of the prior art teach or suggest the device of claim 5 wherein the molding device of the first type may be pivoted to a position below the drive unit of the molding device of the second type mounted so as to be stationary and wherein the associated molding tools of the first and second molding device form a common longitudinal axis.

In regards to claim 8, none of the prior art teach or suggest the apparatus of claim 7, wherein the respective drive for the respective molding device of the first type is mounted so as to be stationary at least on a part of the stations and wherein this molding device may be coupled by way of a coupling point to the driven shaft of the drive.

***Conclusion***

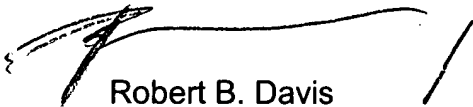
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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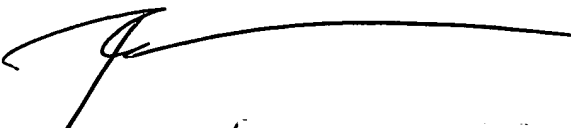
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert B. Davis  
Primary Examiner  
Art Unit 1722



1/1/07